

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 3 ANNUAL FEE

20.5.3.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[20.5.3.1 NMAC - Rp, 20 NMAC 5.3.100, 6/14/02]

20.5.3.2 SCOPE: This part applies to any owner and operator of a storage tank as provided in 20.5.1 NMAC.
[20.5.3.2 NMAC - Rp, 20 NMAC 5.3.101, 6/14/02]

20.5.3.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, sections 74-4-1 through 74-4-14 (2001); provisions of the Ground Water Protection Act, NMSA 1978, 74-6B-1 through 74-6B-14 (2001); and the general provisions of the Environmental Improvement Act, NMSA 1978, sections 74-1-1 through 74-1-15 (1990).
[20.5.3 NMAC - Rp, 20 NMAC 5.3.102, 6/14/02]

20.5.3.4 DURATION: Permanent.
[20.5.3.4 NMAC - Rp, 20 NMAC 5.3.103, 6/14/02]

20.5.3.5 EFFECTIVE DATE: June 14, 2002, unless a later date is indicated in the bracketed history note at the end of a section.
[20.5.3.5 NMAC - Rp, 20 NMAC 5.3.104, 6/14/02]

20.5.3.6 OBJECTIVE: The purpose of this part is to regulate storage tank systems in order to protect the public health, safety and welfare and the environment of the state.
[20.5.3.6 NMAC - Rp, 20 NMAC.5.3.105, 6/14/02]

2.5.3.7 DEFINITIONS: [RESERVED]

20.5.3.8 to 20.5.3.299 [RESERVED]

20.5.3.300 PAYMENT OF FEE:

A. The owner or operator shall pay an annual per tank fee to the department no later than July 1 for each current fiscal year (July 1 through June 30) or portion of a year that a tank is in use. A storage tank shall be deemed "in use" until notice is received by the department that the storage tank has been removed or otherwise permanently closed in a manner acceptable to the department.

B. For USTs, the owner or operator shall pay the annual fee for a new UST placed in service after June 1, 1988 for calendar year 1988, May 1, 1989 for calendar year 1989 or July 1 for any subsequent year within 30 days after the UST is placed in service. For ASTs in service on or after July 1, 2002, the owner or operator shall pay the annual fee at the time of registration, pursuant to Subsection B of 20.5.2.200 NMAC, and on July 1 for any subsequent year. For any subsequent year an AST is placed in service, the owner or operator shall pay the annual fee within 30 days after the AST is placed in service.

C. The department shall waive the annual tank fee for the current fiscal year for a storage tank system permanently closed in accordance with 20.5.8 NMAC on or before July 31.

D. When there is a transfer of ownership, control or possession, whether by lease, conveyance or otherwise, of a property with a registered storage tank system, the transferor shall pay the tank fees for storage tank systems on the transferred property for the fiscal year of the transfer. The transferee shall pay the tank fees for storage tank systems on the transferred property starting the first July 1 after any transfer. In addition, both parties shall comply with 20.5.2.201 NMAC.

[20.5.3.300 NMAC - Rp, 20 NMAC.5.3.300, 6/14/02]

20.5.3.301 AMOUNT OF FEE:

A. The annual fee for all underground storage tanks shall be:

- (1) twenty-eight dollars (\$28.00) per UST in calendar year 1988;

(2) seventy-five dollars (\$75.00) per UST in calendar year 1989; and
(3) for subsequent years, one hundred dollars (\$100.00) per UST as established by NMSA 1978,
Section 74-6B-9 NMSA 1978.

B. The annual fee for all above ground storage tanks shall be one hundred dollars (\$100.00) per AST as established by Section 74-6B-9 NMSA 1978, beginning July 1, 2002.
[20.5.3.301 NMAC - Rp, 20 NMAC.5.3.301, 6/14/02]

20.5.3.302 LATE PAYMENT FEES : In the event the annual fee is not paid when due, the department shall impose a late fee of twenty-five dollars (\$25.00) or twenty-five percent of the unpaid fee, whichever is greater, which shall accumulate until the annual fee and all accrued late fees are paid.
[20.5.3.302 NMAC - Rp, 20 NMAC.5.3.302, 6/14/02]

20.5.3.303 DESIGNATION OF FEES: All fees described in this part shall be designated to the Storage Tank Fund.
[20.5.3.303 NMAC - Rp, 20 NMAC.5.3.303, 6/14/02]

20.5.3.304 to 399 [RESERVED]

HISTORY OF 20.5.3 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

EIB/USTR-3, Underground Storage Tank Regulations - Part III - Annual Fee, 3/15/88

EIB/USTR-3, Underground Storage Tank Regulations - Part III - Annual Fee, 2/14/89

History of Repealed Material:

20 NMAC 5.3, Underground Storage Tank Regulations, Annual Fee, filed 02/27/97

Other History:

EIB/USTR-3, Underground Storage Tank Regulations - Part III - Annual Fee, 2/14/89, renumbered, reformatted and replaced by 20 NMAC 5.3, Underground Storage Tank Regulations, Annual Fee, filed 10/06/95

20 NMAC 5.3, Underground Storage Tank Regulations, Annual Fee, filed 10/06/95 **replaced** by 20 NMAC 5.3, Underground Storage Tank Regulations, Annual Fee, filed 02/27/97

20 NMAC 5.3, Petroleum Storage Tank Regulations, Registration of Tanks, filed 02/27/97 was renumbered, reformatted and **replaced** by 20.5.3 NMAC, Petroleum Storage Tanks, Annual Fee, effective 6/14/02.